

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS

Frank Lau,)	
)	
Plaintiff,)	
)	Case No. 14-cv-1298
v.)	
)	Judge Sarah L. Ellis
AbbVie Inc.; Abbott)	
Laboratories, Inc.; Lilly)	
USA, Inc.; and Eli Lilly and Co.)	
)	
Defendants.)	

MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE PLEAD

Defendants AbbVie Inc. and Abbott Laboratories, Inc. hereby move this Court, pursuant to Federal Rule of Civil Procedure 6(b), for an extension of time to answer or otherwise plead in response to Plaintiff's Complaint. This case and 29 other cases (as of this writing, with more cases expected to be filed) have been consolidated for coordinated pretrial proceedings before Judge Kennelly. It is Defendants' position that the deadline to answer or otherwise plead should be set by Judge Kennelly.

In support thereof, Defendants AbbVie and Abbott state as follows:

1. Plaintiff Lau filed his Complaint on February 21, 2014.
2. Plaintiff Lau served his Complaint on Defendants on February 25, 2014. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants are required to answer or otherwise plead in response to Plaintiff's Complaint by March 18, 2014.
3. On February 27, 2014, Plaintiff Lau moved under Local Rule 40.4 to reassign to Honorable Judge John W. Darrah five actions pending in the Northern District of Illinois. The five actions are *Marino v. AbbVie Inc. et al.*, 14-cv-777, *Myers v. AbbVie Inc. et al.*, 14-cv-780, *Johnson v. AbbVie Inc. et al.*, 14-cv-877, *Kelly v. AbbVie Inc. et al.*, 14-cv-879, and *Lau v.*

AbbVie Inc. et al., 14-cv-1298. That motion also noted that “Counsel for the presently interested Plaintiffs have hundreds of cases under review, with a significant number of cases potentially appropriate for filing in the Northern District of Illinois.” Motion at 2. In all, there are now 30 related cases on file.

4. On March 14, 2014, the Executive Committee of Northern District of Illinois ordered that this case be consolidated before Judge Kennelly with the 29 other similar cases through a coordinated pretrial proceeding as provided by Internal Operating Procedure 13(e). (Doc. No. 20). Internal Operating Procedure 13(e) states that “only matters specified in the order of coordination shall be brought before the designated judge.” No order of coordination has been entered in the coordinated proceeding, and this case remains pending on the Court’s calendar.

5. Similar motions to extend time to answer or otherwise plead have already been granted in three other related cases: *Myers*, 14-cv-780 (Judge Gettleman) (granted); *Johnson*, 14-cv-877 (Judge Wood) (granted); and *Kelly*, 14-cv-879 (Judge Durkin) (granted).

6. This motion is not made for purposes of harassment or undue delay, nor is it due to any oversight or lack of diligence on the part of Defendants.

WHEREFORE, Defendants respectfully request that this Court grant this Motion and enter an order suspending the deadline to answer or otherwise plead in the above-captioned case until such time as it can be re-set by the Judge assigned to hear this case.

Dated: March 14, 2014

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Scott P. Glauberman

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CERTIFICATE OF SERVICE

I, Scott P. Glaubergerman, hereby certify that on March 14, 2014 the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Scott P. Glaubergerman
Scott P. Glaubergerman